

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES,

Plaintiff,

v.

CR. No. 98-572 JP

CLAUDINE VALLO and
DAVID EDWARD CHINO,

Defendants.


MEMORANDUM OPINION AND ORDER

On January 27, 1999 Defendant Claudine Ann Vallo filed her Motion to Dismiss Homicide Count in First Superseding Indictment Due to Prosecutorial Vindictiveness (Doc. No. 51). At a motion hearing held February 3, 1999, I denied Defendant Vallo's motion.

On February 2, 1999, Defendant David Edward Chino filed his Motion for Sanctions for Failure to Provide Discovery (Doc. No. 62). In his motion, Defendant Chino argues that he has been prejudiced by the Government's failure to produce discovery at an earlier date. However, in an Order entered contemporaneously with this Memorandum Opinion and Order, I granted Defendants' motion to continue the trial set February 9, 1999 and rescheduled the trial of the Defendants for April 5, 1999. The continuance should give the Defendants ample time to prepare for trial and therefore cures any prejudice to Defendants caused by the recent disclosure of discovery by the Government. Consequently, Defendant Chino's motion for sanctions should be denied as moot.

IT IS THEREFORE ORDERED that:

- (1) Defendant Claudine Ann Vallo's Motion to Dismiss Homicide Count in First Superseding Indictment Due to Prosecutorial Vindictiveness (Doc. No. 51) is DENIED; and
- (2) Defendant David Edward Chino's Motion for Sanctions for Failure to Provide Discovery (Doc. No. 62) is DENIED.


UNITED STATES DISTRICT JUDGE